IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2996 OF 2007

Mainuddin Abbas Mewekari & Anr... .....
Petitioners
V/s
Ramjan Mainuddin Mewekari & Ors... .....
Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders.) Court's or Judge's Orders

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Ms.Gauri Godse, Adv. for the petitioners.

CORAM: A.P. DESHPANDE, J.
19.4.2007

PC:

The petitioners filed a suit for declaration against their son who is original defendant No.1 and three other defendants. The defendant Nos. 2 and 3 are father-in-law and mother-in-law respectively of respondent No.1 whereas defendant No.4 happens to be HDFC bank. The trial Court passed an order dated 2.4.2005 directing deletion of names of defendant Nos. 2 to 4. Said order was not challenged and temporary injunction came to be granted only

against defendant No.1. Belatedly after expiry of period of one and half years i.e. On 21.11.2006 the petitioners/plaintiffs filed an application for implement of original defendant Nos. 2 to 4 as party-defendants. The application for impleading the deleted defendants was purportedly filed under Order 1 Rule 10 of Code of Civil Procedure. No application for condonation of delay was also filed. In other words, what was sought by the application at Exh.47was review of the order dated 2.4.2005. As the trial Court found that the application for review is barred by time, coupled with the fact that no case for review is made out rejected the application. Perused the order. Same does not suffer from any illegality much less patent, warranting interference at the hands of this Court in exercise of writ jurisdiction. It will not be out of place to mention at this juncture that what is challenged in the present petition is only the order dated 9.3.2007 rejecting the application for review at Ex.47. The first order directing the deletion of defendant Nos. 2 to 4 dated 2.4.2005 is not challenged in the petition. Hence writ petition is summarily dismissed.

19.4.07.